

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 criminal law and procedure.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 35-43-2-3 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) As used in this
- 7 section:
- 8 "Access" means to:
- 9 (1) approach;
- 10 (2) instruct;
- 11 (3) communicate with;
- 12 (4) store data in;
- 13 (5) retrieve data from; or
- 14 (6) make use of resources of;
- 15 a computer, computer system, or computer network.
- 16 "Computer network" means the interconnection of communication
- 17 lines or wireless telecommunications with a computer or wireless
- 18 telecommunication device through:
- 19 (1) remote terminals;
- 20 (2) a complex consisting of two (2) or more interconnected
- 21 computers; or

1 (3) a worldwide collection of interconnected networks operating
2 as the Internet.

3 "Computer system" means a set of related computer equipment,
4 software, or hardware.

5 **"Hoarding program" means a computer program designed to**
6 **bypass or neutralize a security measure, access control system, or**
7 **similar system used by the owner of a computer network or**
8 **computer system to limit the amount of merchandise that one (1)**
9 **person may purchase by means of a computer network.**

10 (b) A person who knowingly or intentionally accesses:

11 (1) a computer system;

12 (2) a computer network; or

13 (3) any part of a computer system or computer network;

14 without the consent of the owner of the computer system or computer
15 network, or the consent of the owner's licensee, commits computer
16 trespass, a Class A misdemeanor.

17 (c) A person who knowingly or intentionally uses a hoarding
18 program to purchase merchandise by means of a computer
19 network commits computer merchandise hoarding, a Class A
20 misdemeanor. It is a defense to a prosecution under this subsection
21 that the person used the hoarding program with the permission of
22 the person selling the merchandise.

23 (d) A person who knowingly or intentionally sells, purchases, or
24 distributes a hoarding program commits unlawful distribution of
25 a hoarding program, a Class A misdemeanor. It is a defense to a
26 prosecution under this subsection that the hoarding program was
27 sold, purchased, or distributed for legitimate scientific or
28 educational purposes.

29 SECTION 2. [EFFECTIVE JULY 1, 2009] **IC 35-43-2-3, as**
30 **amended by this act, applies only to crimes committed after June**
31 **30, 2009.**

(Reference is to HB 1180 as printed February 10, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 11, Nays 0.

Senator Steele, Chairperson